

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:21-cv-394

HERMENA MILES BUMPASS,)	
as Administratrix of the Estate of J'Mauri Jysha)	
Bumpass and in her individual capacity, and)	
Individual capacity, and)	
JERRY JEROME BUMPASS, JR.)	
In his individual capacity,)	
)	
Plaintiffs,)	
)	DEFENDANTS' MOTION
vs.)	TO DISMISS AMENDED
)	COMPLAINT
CLARENCE F. BIRKHEAD,)	
in his individual capacity and in his official)	
capacity as Sheriff of Durham County,)	
DURHAM COUNTY, ANTHONY L. SHARP, JR.,)	
in his individual capacity, ROBERT W. OSBORNE)	
III, in his individual capacity, BRENT CRIDER, in)	
his individual capacity, BRYCE D. MEYERS, in his)	
individual capacity, JIMMY D. BUTLER, in his)	
individual capacity, and TRAVELERS CASUALTY)	
AND SURETY COMPANY OF AMERICA,)	
)	
Defendants.)	

NOW COMES, Defendants Durham County Sheriff Clarence F. Birkhead in his official and individual capacities, Durham County, Anthony L. Sharp, Jr., in his individual capacity, Robert W. Osborne, in his individual capacity, Brent Crider, in his individual capacity, Bryce D. Meyers, in his individual capacity, and Jimmy D. Butler, in his individual capacity, (hereinafter collectively referred to as "Defendants"), by and through

their undersigned counsel, and move this Court pursuant to Local Rule 7.3 and Fed. R. Civ. P. 12(b)(1),(2), and (6) to dismiss the Plaintiff's Amended Complaint for lack of jurisdiction, and for failure to state a claim upon which relief can be granted due to qualified immunity, public official immunity and governmental immunity. The Amended Complaint fails to allege any viable causes of action against these Defendants as set forth in the memorandum of law filed herewith.

Defendants respectfully request the Court to dismiss the action and to award attorney's fees to Defendants regarding Plaintiff's § 1983 claims pursuant to § 1988, and for such other and further relief as this Court deems just and proper.

Respectfully submitted, this the 9th day of July 2021.

/s/ Larissa S. Williamson
LARISSA S. WILLIAMSON
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Attorney for the Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of July 2021, I electronically filed the foregoing Defendants' Motion to Dismiss Amended Complaint with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following and I hereby certify that I have mailed the documents to the following non-CM/ECF participants:

Plaintiffs: Liedeke A. Sharp
 Allyn Sharp Law, PLLC
 P.O. Box 730
 Carrboro, NC 27510
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/s/ Larissa S. Williamson
Larissa S. Williamson
Senior Assistant County Attorney
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